

REMARKS

Claims 47, 49 and 56 have been cancelled. Claims 80-82 have been added. Claims 48, 54, 59, 70, and 76 have been amended. Claims 1-4, 6, 43-46, 48, 50-55, 57-82 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 102(e) Rejection:

The Examiner rejected claims 1-3, 43, 47-50, 52, 54, 57-61, 63, 65, 68-70, 75, 76, and 79 under 35 U.S.C. § 102(e) as being anticipated by McCaleb et al. (U.S. Patent 7,171,660) (hereinafter “McCaleb”). Applicant respectfully traverses this rejection.

McCaleb does not disclose, teach, or suggest at least “the knowledge automation engine automatically evaluates a rule in the one or more checks against the one or more facts to determine if the one or more product issues specified by the one or more checks exists for the product configuration (emphasis added)” as recited in claim 1. McCaleb does not appear to suggest using a check or any structure that comprises both a rule and a specified product issue. McCaleb further does not disclose determining “if the one or more product issues specified by the one or more checks exists (emphasis added)” as recited in claim 1. For example, McCaleb does not disclose any structure with both a rule and a specified product issue in the same structure. McCaleb further does not disclose “a knowledge repository” with the “one or more checks” (which comprise both a rule and a specified product issue). Applicant respectfully submits claim 1 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 1 and claims dependent thereon.

The claim features of dependent claim 56 (objected to but found allowable by the Examiner) have been moved into claim 48 from which it depends. Applicant respectfully submits claim 48 and claims dependent thereon are allowable for at least this reason.

Applicant respectfully requests the Examiner withdraw the rejection to claim 48 and claims dependent thereon.

McCaleb does not disclose, teach, or suggest at least “wherein the plurality of product check matrixes comprises two or more product check matrixes that correspond to different product issues and have listings of one or more of packages or patches specific to their respective product issue (emphasis added)” as recited in amended claim 59. Applicant respectfully asserts claim 59 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 59 and claims dependent thereon.

McCaleb does not disclose, teach, or suggest at least “wherein the check comprises a rule for detecting a specific product issue” and “the product check matrix is associated with the check and the specific product issue and is selectively accessed from a plurality of product check matrixes to determine a package to use to correct the specific product issue (emphasis added)” as recited in amended claim 70. As discussed above with respect to claim 1, McCaleb does not disclose a structure similar to a check that comprises a rule for a specific product issue. McCaleb also does not disclose “selectively” accessing a product check matrix. The Examiner points to the part database of McCaleb to anticipate a product check matrix, however, the part database of McCaleb is not directed to a specific product issue, but instead appears to have a mixture of software patches and updates. McCaleb does not disclose a product check matrix “associated with the check and the specific product issue.” Applicant respectfully submits claim 70 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 70 and claims dependent thereon.

Similarly, McCaleb does not disclose, teach, or suggest at least “wherein the check comprises a rule for detecting a specific product issue” and “the product check matrix is associated with the check and the specific product issue and is selectively accessed from a plurality of product check matrixes to determine a package to use to

correct the specific product issue (emphasis added)” as recited in amended claim 76. Applicant respectfully submits claim 76 and claims dependent thereon are allowable for at least the above reasons. Applicant respectfully requests the Examiner withdraw the rejection to claim 76 and claims dependent thereon.

Double Patenting Rejection:

The Examiner provisionally rejected claim 1 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of co-pending Application No. 10/318,707. Applicant respectfully points out that Application No. 10/318,707 is an abandoned application. Applicant respectfully asserts the provisional double patenting rejection is thus believed moot.

Claim Objection

The Examiner objected to claims 4, 6, 44-46, 51, 53, 55, 56, 62, 64, 66, 67, 71-74, 77, and 78 as being allowable but dependent upon a rejected base claim. While the claim status was not specifically stated in the Office Action mailed April 3, 2007, the status of these claims as allowable but objected to for being dependent upon a rejected base claim was verified in a phone call with the Examiner on June 27, 2007.

The features of claim 56 were added to claim 48 and thus claim 48 and claims dependent thereon are believed allowable for at least this reason.

Applicant respectfully submits claims 4, 6, 44-46, and 62, 64, 66, 67, and 71-74, and 77, 78 dependent upon independent claims 1, 59, 70, and 76, respectively, are also allowable in their present form for at least the above reasons. Applicant respectfully requests the Examiner withdraw the objection to the claims.

New claims

Applicant respectfully submits the cited art does not disclose, teach, or suggest at least “wherein the one or more corresponding product check matrixes comprise two or more product check matrixes each specifying different patches, than the other product check matrixes, for different respective product issues of the one or more product issues; wherein the one or more checks comprise two or more checks and wherein the two or more product check matrixes correspond to different respective checks of the two or more checks; wherein a specific check of the two or more checks comprise a rule to detect the specific product issue corresponding to a specific product check matrix of the two or more product check matrixes; and wherein upon detecting the specific product issue, the specified patch, for the specific product issue, from the corresponding product check matrix is applied to correct the specific product issue” as recited in claim 80 in combination with the features of claim 1; or “wherein the plurality of product check matrixes comprises two or more product check matrixes that correspond to different product issues and have listings of one or more of packages or patches specific to their respective product issue” as recited in claim 81 in combination with the features of claim 70; or “wherein the plurality of product check matrixes comprises two or more product check matrixes that correspond to different product issues and have listings of one or more of packages or patches specific to their respective product issue” as recited in claim 82 in combination with the features of claim 76.

CONCLUSION

Applicants respectfully submit that the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzl, P.C. Deposit Account No. 501505/5681-33700/RCK.

Respectfully submitted,

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